IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2806 OF 2005

Shri.Chetan Mohan Joglekar ..Applicant

Vs.

Union of India and Anr. ..Respondents

...

Mr.Mr.Anil Desai i/b Mr.Baby Augustine for Applicant
Ms.S.V.Gajare, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 21 2005

P.C.

1. Heard the learned advocate for the applicant. None appears for the respondent no.1 though served.

2. The applicant has already furnished an undertaking before the trial Court i.e. before the 4th Metropolitan Magistrate, 19th Court, Esplanade Court, Mumbai in C.C.No. 123/CP/2001 that he shall attend the Court at the time of framing of charge or as and when ordered by the Court. The case is

of the year 2001. The trial in the said case has yet not started.

3. Looking to these facts, exemption is granted to the applicant in respect of personal appearance before the trial Court except when the learned Magistrate is of the opinion that the presence of the applicant is absolutely necessary. In such a case, on sufficient notice being given to the applicant, he shall attend the trial Court on the date indicated by the trial Court. In case, the applicant fails to attend the trial Court on the date indicated by it, then in such case, it would be open to the trial Court to take steps as felt necessary and in accordance with law.

3. Application is disposed of.

[V.K.TAHILRAMANI,J.]